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January 22, 2024

VIA ECF

Honorable Paul G. Gardephe
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Lamar Johnson v. City of New York et al.,
22-CV-5743 (PGG)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix Corporation Counsel of the City of New York assigned to the defense of the above referenced matter. For the reasons set forth herein, the parties respectfully request that that the Court: (1) grant them an extension of the fact discovery deadline from January 23, 2024 until March 23, 2024 and (2) adjourn the Final Pretrial Conference from January 25, 2024 to another date and time convenient for the Court.

By way of brief background, on July 6, 2022 plaintiff filed his complaint alleging, *inter alia*, that, on or about July 6, 2019, he was falsely arrested and subjected to excessive force during the course of an unlawful arrest. *See* Civil Docket Entry No. 1. Plaintiff further claims that he was thereafter maliciously prosecuted until the underlying criminal charges brought against him were dismissed. *Id.* On May 17, 2023 Plaintiff filed an Amended Complaint naming the City of New York as well as Police Officers Yoel Hidalgo, Luis Ortiz, Joseph Spalding, and Michael Vinzo as defendants in this action. *See* Civil Docket Entry No. 40. On October 26, 2023 the Court endorsed the Civil Case Management Plan and Scheduling Order setting the deadline for fact discovery as January 23, 2024. *See* Civil Docket Entry No. 72. On November 29, 2023, a settlement conference was scheduled for January 24, 2024 by Magistrate Judge Barbara Moses. *See* Civil Docket Entry No. 76.

Although significant discovery has taken place, additional time is needed to complete fact discovery. Specifically, defendants have produced body worn camera footage to the plaintiff but, upon information and belief, additional video surveillance footage appears to have existed at some time which we have not yet obtained. This office is in the process of locating this surveillance video so that it can be reviewed and produced to plaintiff. Additionally, the extension will allow the parties to engage in a settlement conference before depositions take place.¹

Accordingly, the parties request that that the Court: (1) grant them an extension of fact discovery deadline from January 23, 2024 until March 23, 2024 and (2) adjourn the Final Pretrial Conference from January 25, 2024 to a date convenient for the Court.

We thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/ KellyAnne Holohan
KellyAnne Holohan, Esq.
Assistant Corporation Counsel

cc: **BY ECF**
All counsel of record

MEMO ENDORSED:

Fact discovery is extended to **February 26, 2024**.

The status conference currently scheduled for January 25, 2024, is adjourned to **April 4, 2024, at 10:30 a.m.**

SO ORDERED.



Paul G. Gardephe
United States District Judge
Date: January 22, 2024

¹ A settlement conference was scheduled with the Hon. Barbara C. Moses for January 24, 2024 but the parties are seeking to adjourn the conference to another date and time convenient to the Court.